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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION THREE

M. G.,

Plaintiff and Respondent,

v.

R. D.,

Defendant and Appellant.

B159974

(Los Angeles County
Super. Ct. No. BS074690)

ORDER MODIFYING OPINION
AND DENYING PETITION
FOR REHEARING
[NO CHANGE IN JUDGMENT]

THE COURT:

It is ordered that the opinion filed herein on May 16, 2003, be modified as follows:

1. On page 2, line 17, delete the words: a temporary restraining order as well as.
2. On page 5, line 8, after the comma, replace the rest of the sentence with the following: all 14 messages originated from the same computer, from defendant's computer.
3. On page 5, line 22, delete the words: We conclude. Also delete the first two lines on page 6.

Replace the deletions with the following text: The trial court found the e-mails in question came from defendant's computer. The trial court also found there was no evidence that defendant actually prepared the e-mails. The logical import of that statement is that the trial court merely found no direct evidence that defendant authored the e-mails. However, there was abundant circumstantial evidence to that effect.

Although defendant asserted his computer was not password protected and that various friends had access to his home computer, defendant did not specify who those persons were, nor did defendant explain how such persons had the intimate knowledge necessary to carry on this ongoing e-mail conversation with plaintiff. On this record, there is substantial evidence to support the trial court's determination that the e-mails originated from defendant's computer, and because there was no evidence that anyone else authored the e-mails, the trial court properly found that defendant engaged in a harassing course of conduct directed at plaintiff, so as to entitle plaintiff to injunctive relief.

[There is no change in the judgment.]